

CHAPTER 49.1

BLIGHT OR CONSERVATION AREAS

1. LEGISLATIVE DECLARATION. It is hereby found and declared:

(a) Within the City of Decatur there exist blighted or conservation areas where a major portion of the buildings and structures are detrimental to the health, safety and welfare of the occupants and the welfare of the City because of age, dilapidation, overcrowding or faulty arrangement, or lack of ventilation, light, sanitation facilities, adequate utilities or access to transportation, commercial marketing centers or to adequate labor supplies.

(b) Such blight or conservation areas are usually situated in the older and centrally located areas of the City, and once existing, spread unless eradicated.

(c) As a result of these degenerative conditions the properties embraced in a blight or conservation area fall into a state of non-productiveness or limited productiveness, and fail to produce their due and proper share of taxes.

(d) The conditions in a blight or conservation area necessitate excessive and disproportionate expenditures of public funds for crime prevention, public health and safety, fire and accident protection, and other public services and facilities and constitute a drain upon the public revenue. These conditions impair the efficient, economical and indispensable governmental functions of the City.

(e) In order to promote and protect the health, safety, morals and welfare of the public it is necessary to provide for the eradication and elimination of blight or conservation areas and the construction of redevelopment projects and commercial projects in these areas.

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(f) The eradication and elimination of blight or conservation areas and the construction of redevelopment projects financed by private capital, with financial assistance from the City of Decatur and other governmental bodies, in the manner provided in this Chapter, is hereby declared to be a public use essential to the public interest.

2. **DEFINITIONS.** As used in this Chapter, unless the context requires otherwise:

(a) "Real property" means lands, lands under water, structures, and any and all easements, franchises and incorporeal hereditaments, estates and rights, legal and equitable, including terms for years and liens by way of judgment, mortgage or otherwise.

(b) "Blight area" means any improved or vacant area of not less in the aggregate than one (1) acre located within the City of Decatur where, if improved, industrial, commercial and residential buildings or improvements, because of a combination of five (5) or more of the following blighting conditions:

- age;
- dilapidation;
- obsolescence;
- deterioration;
- illegal use of individual structures;
- presence of structures below minimum code standards;
- excessive vacancies;
- overcrowding of structures and community facilities;
- inadequate utilities;
- excessive land coverage;
- deleterious land use or layout;
- depreciation or lack of physical maintenance;
- lack of community planning;
- diversity of ownership of such land; or

tax or special assessment delinquencies on such land which exceed the fair value thereof, are detrimental to the public safety, health, morals or welfare, or if vacant, the sound growth of the area is impaired by (1) a combination of two (2) or more of the following blighting conditions:

obsolete platting of the vacant land;
diversity of ownership of such land;
tax or special assessment delinquencies on such land which exceed the fair value thereof; or,
deterioration of structures or site improvements in neighboring areas to the vacant land,

or, (2) the area immediately prior to becoming vacant qualified as a blighted improved area.

(c) "Commercial project" means any building or buildings or building addition or other structures to be newly constructed, renovated or improved and suitable for use by a commercial enterprise or an entity engaged in providing housing and ancillary services, and includes the sites and other rights in the land on which such buildings or structures are located.

(d) "Conservation area" means any area located within the City of Decatur, of not less, in the aggregate, than one (1) acre in which 50% or more of the structures have an age of 35 years or more. Such an area is not yet a blight area but because of a combination of three (3) or more of the following blighting conditions:

dilapidation;
obsolescence;
deterioration;
illegal use of individual structures;
presence of structures below minimum code standards;
abandonment;
excessive vacancies;
overcrowding of structures and community facilities;
lack of ventilation, light or sanitary facilities;
inadequate utilities;
excessive land coverage;
deleterious land use or layout;
depreciation of physical maintenance;
lack of community planning,
diversity of ownership of such land; or
tax or special assessment delinquencies on such land which exceed the fair value thereof,

is detrimental to the public safety, health, morals or welfare and such an area may become a blight area.

(e) "Commercial redevelopment plan" or "redevelopment plan" means the comprehensive program for the clearing or rehabilitation and physical development of a blight or conservation area, and includes an analysis and projection of the steps necessary for the elimination or rehabilitation of a blight or conservation area and the protection of adjacent areas, and all administrative, funding and financial details and proposals necessary to effectuate the plan.

(f) "Redevelopment area" means the blight or conservation area of not less in the aggregate than one (1) acre, to be developed in accordance with the redevelopment plan.

3. BLIGHT OR CONSERVATION AREA.

(A) The City Council may, by ordinance or resolution, designate blight or conservation areas within the City. Such ordinance or resolution shall contain the findings of the Council, consistent with Section 2 hereof, that led to the designation of such area.

(B) Before the Council designates any area as provided in subsection (A) hereof, the Plan Commission shall hold a public hearing regarding such area. Notice of such hearing shall be given in a newspaper of general circulation in the City not less than fifteen (15) nor more than thirty (30) days prior to said hearing. In addition, notice of said hearing shall be given by mail addressed to all owners of record of property located within said area. At said hearing, the Assistant City Manager for Development Services, or such officer's designee, shall report on the factors listed in Section 2 hereof as they apply to said area. Property owners and the public generally may appear and be heard.

(AMENDED, Ordinance No. 2010-03, February 1, 2010)

4. REDEVELOPMENT PLAN.

(A) The City Council may, by ordinance or resolution, adopt and publish a commercial redevelopment plan for any blight or conservation area designated as herein provided.

(B) Before the Council adopts any commercial redevelopment plan, the Plan Commission shall hold a public hearing regarding such plan. Notice of such hearing shall be given as provided in Section 3 hereof. Property owners and the public generally may appear and be heard.

(C) The public hearing required hereby may be held simultaneously with the hearing required by Section 3.

5. **POWERS OF COUNCIL.** In eliminating any blighting conditions in any blight or conservation area or in carrying out a final commercial redevelopment plan, the Council may:

(a) Acquire by purchase, gift, condemnation or otherwise as provided in this Chapter the fee simple title to all or any part of the real property in any blight or conservation area;

(AMENDED, Ordinance No. 2000-54, June 19, 2000)

(b) Clear any area acquired, by demolition or removal of existing buildings and structures;

(c) Renovate or rehabilitate any structure or building acquired, or if any structure or building or the land supporting it has not been acquired, to permit the owner to renovate or rebuild the structure or building in accordance with the redevelopment plan;

(d) Construct or acquire by gift or purchase any commercial project and rent or lease such commercial projects to commercial or housing concerns or entities engaged in providing housing and ancillary services;

(e) Sell and convey commercial projects, including without limitation the sale and conveyance subject to a mortgage, for such price and at such time as the Council may determine;

(f) Install, repair, construct, reconstruct or relocate streets, utilities and site improvements essential to the preparation of the redevelopment area for use in accordance with a redevelopment plan;

(g) Mortgage or convey real or personal property acquired for same in accordance with the redevelopment plan;

(h) Borrow money, apply for and accept advances, loans, grants, contributions, gifts, services, or other financial assistance, from the United States of America or any agency or instrumentality thereof, the State, county, municipality or other public body or from any source, public or private, for or in aid of any of the purposes of the final redevelopment plan, and to secure the payment of any loans or advances by the issuance of revenue bonds and by the pledge of any loan, grant or contribution, or parts thereof, or the contracts therefor, to be received from the United States of America or any agency or instrumentality thereof, and to enter into and carry out contracts in connection therewith;

(i) Exercise any one or more of the foregoing powers in any combination to carry out the final redevelopment plan.

6. ACQUISITION OF PROPERTY. In exercising the power to acquire real estate as provided in this Chapter, the City Council may proceed by gift, purchase or condemnation to acquire a fee simple title to all real property lying within a blight or conservation area, including easements and reversionary interests in the streets, alleys and other public places lying within such area. If any such real property is subject to an easement the City Council, in its discretion, may acquire the fee simple title to such real property subject to such easement if that such easement will not interfere with carrying out the redevelopment plan. In carrying out the provisions of this Chapter, and pursuant to its home rule powers under Article VII of the Constitution of the State of Illinois, the City of Decatur may exercise the right of eminent domain.

(AMENDED, Ordinance No. 2000-54, June 19, 2000)

7. TRANSFER AND SALE OF REALTY. The City Council may at any time transfer and sell the fee simple title, or any lesser estate that it acquired to all or any part of the real property within the redevelopment area. Such sales and transfers may be made to:

(1) Any individual, association or corporation, organized under the laws of this State or of any other State or country which may legally make such investments in this State, including foreign and alien insurance companies, as defined in Section 2 of the "Illinois Insurance Code"; or,

(2) Any body politic and corporate, public corporation or private individual, corporation, association or interest empowered by law to acquire, develop and use such real property for such uses, public or private, as are in accordance with the final redevelopment plan.

Any redevelopment area may be sold either as an entirety or in such parcels as the City Council may select. It is not necessary that title be acquired to all real property within the redevelopment area before the sale of a part thereof may be made as provided in this Section.

8. BORROWING OF MONEY AND ISSUANCE OF BONDS. The City Council may incur indebtedness and issue revenue bonds in such amounts as it deems necessary for the purpose of raising funds for carrying out the provisions of a final redevelopment plan provided for the eradication and elimination of blight and conditions likely to create blight and the acquisition, development or redevelopment of blight or conservation areas and any other area which may constitute a redevelopment area within the municipality or for the purpose of financing in whole or in part the cost of acquisition, construction and financing of any commercial properties.